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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 EDUARDO GARCIA,

14 Defendant.

Case No. 2:13-cr-00406-LDG (CWH)

ORDER

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16 The defendant, Eduardo Garcia, has moved for a reduction of sentence (#34)
17 pursuant to 18 U.S.C. §3852(c)(2). A review of the record establishes that, at the
18 defendant's sentencing, the Court calculated the defendant's advisory guideline range as
19 **121 - 151 months**. The Court subsequently departed downward from this range, and
20 imposed a sentence of **70 months** of incarceration. The Court has determined that the
21 amended advisory guideline range that would have been applicable to the defendant
22 pursuant to Amendment 782, if that amended guideline had been in effect at the time of
23 the original sentencing, is **84 - 105 months**. As the defendant's existing sentence is less
24 than the minimum sentence under the amended advisory guideline range, he is not eligible
25 for a further reduction of his sentence. See U.S.S.G. §1B1.10(b)(2)(A).

26 Accordingly,

1 THE COURT **ORDERS** that the defendant's Motion for Reduction of Sentence
2 Pursuant to 18 U.S.C. §3582(c)(2) (#34) is DENIED.

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4 DATED this 13 day of October, 2015.
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Lloyd D. George
United States District Judge